

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                                 |   |                    |
|---------------------------------|---|--------------------|
| LAVAYLIA E. CARNES,             | ) |                    |
|                                 | ) |                    |
| Plaintiff,                      | ) |                    |
| vs.                             | ) | NO. CIV-11-0329-HE |
|                                 | ) |                    |
| MICHAEL J. ASTRUE,              | ) |                    |
| Commissioner of Social Security | ) |                    |
| Administration,                 | ) |                    |
|                                 | ) |                    |
| Defendant.                      | ) |                    |

**ORDER**

Plaintiff Lavaylia Carnes filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her concurrent applications for disability insurance and supplemental security income benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommended the Commissioner’s decision be affirmed. Objections to the magistrate judge’s Report and Recommendation were due by February 27, 2012.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). The court therefore **ADOPTS** the Report and Recommendation [Doc. #19], and the Commissioner’s decision is **AFFIRMED**. Judgment will be entered contemporaneously

with this order. *See* Fed. R. Civ. P. 58(a).

**IT IS SO ORDERED.**

Dated this 9th day of March, 2012.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE